

REMARKS

The enclosed is responsive to Examiner's Office Action mailed on March 17, 2006. At the time Examiner mailed the Office Action claims 1-20 were pending. By way of the present response Applicant has: 1) amended claim 1; 2) added no new claims; and 3) canceled no claims. As such, claims 1-20 are now pending. Applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections – 35 USC §102(e)

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Libman U.S. Patent No. 6,999,938 (hereinafter "Libman").

Applicant respectfully disagrees with the interpretation of Libman set forth in the Office Action. In particular, Libman does not disclose "selecting a group of users having one or more common attributes; receiving an inquiry generated by a first user over a network. . . ; transmitting said inquiry to said group of users over said network; . . . and forwarding said responses to said first user over said network."

First, with respect to "selecting a group of users having one or more common attributes," the Office Action references Libman col. 6 lines 15-42 which states in part:

[a] 'client communication' as the term is used herein refers to a communication which is prepared for a given client and which provides information to the client about one or more selected financial products and/or financial services and/or related financial plans.

This portion of Libman does not describe the selection of a group of users having one or more common attributes. Rather, it discloses a communication containing product information for “a given client” and not a group of users. Examiner correctly observed in the Office Action that client information is contained in a database comprised of various attribute fields and that some users could share an attribute such as age. Nevertheless, Libman emphasizes that client attributes are used to personalize a communication for a particular client and teaches away from using common attributes to select a group of users. Libman col. 10 lines 26-28 indicate that information is “used to make the client communications highly individualized or personalized.”

In addition, Libman does not teach “receiving an inquiry generated by a first user over a network, said inquiry having predetermined responses associated therewith.” The Office Action cites to Libman col. 6 lines 27-42 as disclosing this element and Examiner correctly noted that the “client communication” described in Libman may take the form of a sales inquiry. However, as indicated by the title of the invention (“Automated Reply Generation Direct Marketing System”), Libman emphasizes the automated nature of its client communications and teaches away from an inquiry generated by a first user. Indeed, Examiner correctly characterized Libman Fig. 21 by stating, in the Office Action, that “the client response is sent back to the processor which originated the offer.” It is apparent that Libman does not disclose “an inquiry *generated by a first user*” as claimed by Applicant but rather a method wherein, as indicated in Libman Fig. 21, the communication originates on the system software 2500.

Thus, it is apparent that the system software 2500 in Libman is transmitting a first inquiry to, and not receiving a first inquiry from, the client.

Moreover, Libman does not teach “transmitting said inquiry to said group of users over said network.” The Office Action again cites to Libman col. 6 lines 27-42 as disclosing this element. As discussed above, Libman col. 6 lines 28-30 only disclose a communication which is “prepared for a given client” and not a group of users as claimed by Applicant. Further, assuming *arguendo* that a group of users were selected, Libman does not teach that the group would receive “said inquiry” generated by the first user. Libman col. 6 lines 43-44 and 54-55 disclose that

[e]ach client communication according to the invention includes at least one ‘variable.’ . . . [so the inquiry can be updated to be] . . . appropriate for, and to a certain extent individualized for, a particular client.

Accordingly, Libman discloses that a unique communication may be sent to each client and not the user generated “said inquiry.”

Libman does not teach “forwarding said responses to said first user over said network.” As acknowledged by Examiner in the Office Action and shown in Libman Fig. 21 the client communications are auto generated by a processor unit and not a first user. Libman col. 34 lines 17-20 describe Fig. 21 as “the system of the invention accesses the database and prepares individualized client communications to each of the multitude of clients (or subset of multitude of clients) in the database.” Accordingly, as there is no first user described in Libman no communications are forwarded to anyone. Additionally, Libman col. 34 lines 28-31 discloses that a “client response is input into the system of the invention, and the reply module of the system software generates a reply for

each response.” Accordingly, Libman discloses that client responses are directly replied to by the system with an automated reply rather than forwarded to a first user as claimed by Applicant.

In reference to claim 3, Applicant respectfully submits that Libman does not teach that one of the attributes “is a relative distance of each of said users from said first user.” Libman col. 12 lines 8-26, which the Office Action references as disclosing this claim, states in part that client data may include “geographic information other than client address information.” No mention is made in this portion of Libman of a relative distance between users. At best, Libman implies that a distance attribute exists containing the distance between a client and an office but not between two or more clients.

Claims 2-9 depend from Claim 1 and include additional features. Accordingly, Applicant respectfully submits that Claims 2-9 are allowable over the cited art for all the reasons stated above with respect to claim 1.

With respect to claim 10 Applicant is confused by Examiner’s references being the same as for claim 1. Claim 10 claims a graphical user interface (“GUI”) used to generate an inquiry and differs significantly from claim 1 wherein a method of sending messages to and receiving responses from selected user groups is claimed. The portions of Libman referenced in the Office Action do not disclose a GUI or its function.

Claims 11-13 depend from Claim 10 and include additional features. Accordingly, Applicant respectfully submits that Claims 11-13 are allowable over the cited art for all the reasons stated above with respect to claim 10.

Claim Rejections – 35 USC §103(a)

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libman.

Claim 14-15 depend from claim 10 and include additional features. Accordingly, Applicant respectfully submit that Claims 14-15 are allowable over the cited art for all the reasons stated above with respect to claim 10.

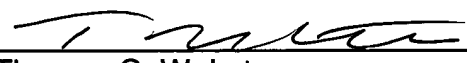
CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
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